

JUDGE'S COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CARLOS CHICO WOODS,

Petitioner

Vs.

CHESNEY, et al.

Respondents.

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CIVIL NO. 1: CV-01-1078

(Judge Caldwell)

FILED
HARRISBURG, PA

JUL 10 2002

MARY E. D'ANDREA
Per [Signature]
Deputy Clerk

PETITIONER'S RESPONSE TO THE RESPONDENTS' BRIEF IN OPPOSITION
TO PETITIONER'S BRIEF IN SUPPORT OF CAUSE AND PREJUDICE AND
MISCARRIAGE OF JUSTICE

AND NOW COMES, The petitioner respectfully requesting that the Respondents Brief In Opposition Requesting that the petitioner's Petition be Dismissed, be Denied. The petitioner states the following in his Response:

The petitioner states that the respondents' claim that the petitioner did not show cause, nor did he show that if his petition is not heard, that he would suffer any Prejudice or Miscarriage of Justice in this case. The Petitioner states that the respondents' claims are frivolous and without support. It is this Honorable Court's decision whether or not the petitioner's petition shows cause and prejudice. In the petitioner's Brief in Support of Cause and Prejudice, the petitioner has showed this Honorable Court's that his petition has cause, and that if not heard by this Honorable Court's, that he would suffer an grave injustice, because it is clear that the respondents' are in violation of a Trial Judge's Legal Sentence, and if this petition is not heard, it would prejudice the petitioner.

The petitioner further states that he has satisfied this Honorable Court's request to show cause and prejudice, and that if his petition is not heard, that he would suffer from a miscarriage of justice. The petitioner has clearly made an attempt to resolve this matter before the State's highest court, by filing an Petition For Allowance of Appeal to the Pennsylvania Supreme Court's which was denied by the Supreme Court's. This clearly left the petitioner without a chance to present his claims before the state Court's, and now that the time has passed for the petitioner to re-petition the state court's for a second time, the petitioner has no other avenues to challenge his claims, but to present them to this Honorable Court's. This is why the respondents' Brief

requesting that the petitioner's petition be dismissed, be denied, and the petitioner be allowed to present his claims to this Honorable Court's as they have been challenged in the petition itself.

Petitioner finally states that because he has made attempts to bring these claims before the state's highest court's, and because it is clear that the Respondents' actions, have violated a Trial Court Judge's Legal Sentence, this Honorable Court's should Order an hearing in the matter, and appoint counsel to represent the petitioner at that hearing, to resolve and correct the issues that are before this Honorable Court's in the petitioner's petition.

WHEREFORE, The petitioner respectfully request that this Honorable Court's in its' jurisdiction, **DENY** the Respondents' request to Dismiss the petitioner's petition, and order that an hearing be held on all of the claims before this Honorable Court's. It is further requested that this Honorable Court's Appoint Counsel to represent the petitioner at that hearing. The petitioner thanks this Honorable Court's for its' time and consideration in this matter...

DATED: July 02, 2002

Respectfully Submitted
X. Carlos C. Woods
Mr. Carlos Chico Woods, Pro-se
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
CERTIFICATE OF SERVICE OF AN INCARCERATED PERSON

I, Carlos Chico Woods, hereby Certify that on the 02 day of July, 2002. I placed the following attached Legal Document in the hands of the prison officials at the state correctional institution SCI. Frackville, for immediate forwarding to the party/parties below, by placing the said document in the prison's U.S. Mail Box:

Mary E. D'Andrea, Esq.
Clerk of Courts
U.S. District Courts
228 Walnut Street
P.O. Box 983
Harrisburg, Pa 17108

Victoria S. Freimuth, Esq.
Deputy Attorney General
Office of the Attorney General
Litigation Section
15th Floor, Strawberry Square
Harrisburg, Pa 17120

I state under the penalty of perjury, that the above statement is a true and correct one to the best of my ability...

Respectfully Submitted

X. Carlos C. Woods

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